

PROB 12C
(6/16)

Report Date: May 29, 2024

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

May 29, 2024**Eastern District of Washington**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Kenneth Richard Rowell Case Number: 0980 2:13CR06070-SAB-1

Address of Offender: [REDACTED] Pasco, Washington 99301

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: May 19, 2014

Original Offense: Distribution of a Controlled Substance - Methamphetamine, 21 U.S.C. § 841(a)(1),
(b)(1)(B)(viii)Original Sentence: Prison - 120 months Type of Supervision: Supervised Release
TSR - 8 years

Asst. U.S. Attorney: Earl A. Hicks Date Supervision Commenced: May 10, 2022

Defense Attorney: Juliana Van Wingerden Date Supervision Expires: May 9, 2030

PETITIONING THE COURTTo issue a **warrant**.

On May 13, 2022, all the conditions of supervised release were reviewed with Mr. Rowell. He signed a copy of his conditions, and was provided with a copy. He was referred to Merit Resource Services (Merit) for substance abuse treatment and for random drug testing. Mr. Rowell was instructed to call the color line program at Merit daily, Monday through Friday, and to report to Merit for drug testing when his assigned color is called.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 **Special Condition # 16:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Rowell is considered to be in violation of his term of supervised release by failing to submit a valid urinalysis by having tampered with drug testing on or about April 25, 2024.

On April 25, 2024, Mr. Rowell reported to Merit for drug testing as required. Merit staff sent this drug test to Abbott Laboratory. The probation office later received the drug test report from Abbott Laboratory on May 6, 2024, confirming a dilute result for specific gravity,

Prob12C

Re: Rowell, Kenneth Richard

May 29, 2024

Page 2

which confirmed this drug test was tampered with and was invalid. Later, during an office visit on May 28, 2024, Mr. Rowell admitted to the undersigned officer to having used baking soda and water in efforts to hide his drug use.

- 2 **Special Condition # 16:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Rowell is considered to be in violation of his term of supervised release by consuming a controlled substance, methamphetamine, on or about May 7, 2024.

On May 7, 2024, Mr. Rowell completed a drug test at Merit. This drug test was sent to Abbott Laboratory. The probation office later received the drug test report from Abbott Laboratory confirming a positive result for methamphetamine. It should also be noted this drug test report also confirmed a dilute result for creatinine and specific gravity.

On May 28, 2024, Mr. Rowell admitted to the undersigned officer to having used methamphetamine on an ongoing basis. In addition to using baking soda, as mentioned above in violation 1, he also admitted to consuming cranberry juice in efforts to hide his drug use, as he advised cranberry juice would not change the color of the urine sample.

- 3 **Special Condition # 16:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Rowell is considered to be in violation of his term of supervised release by consuming a controlled substance, cocaine, on or about May 7, 2024.

As noted in violation 2, on May 7, 2024, Mr. Rowell completed a drug test at Merit. This drug test was sent to Abbott Laboratory. The drug test report confirmed a positive result for cocaine. Mr. Rowell later admitted to the undersigned officer to having used cocaine.

- 4 **Special Condition # 16:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Rowell is considered to be in violation of his term of supervised release by failing to report for mandatory drug testing on or about May 16, 2024.

On May 16, 2024, Mr. Rowell's assigned color for the color line program at Merit was called. The defendant failed to report to Merit for drug testing as required on this date. Mr. Rowell admitted to the undersigned officer he failed to report for drug testing on May 16, 2024, and stated he must have forgot to check the color line program at Merit.

Prob12C

Re: Rowell, Kenneth Richard

May 29, 2024

Page 3

- 5 **Standard Condition # 2:** The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.
- Supporting Evidence:** Mr. Rowell is considered to be in violation of his term of supervised release by failing to report to the probation office as instructed on or about May 23, 2024.
- On May 23, 2024, at approximately 1:45 p.m., the undersigned officer called Mr. Rowell, he did not answer his phone, and a voice message was left instructing him to report on this same date to the probation office by 3 p.m.
- Mr. Rowell failed to report as directed on May 23, 2024. He did not attempt to make contact with this officer. Later on May 28, 2024, Mr. Rowell admitted to receiving the reporting instructions, but he had been sleeping due to his ongoing drug use.
- 6 **Special Condition # 16:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
- Supporting Evidence:** Mr. Rowell is considered to be in violation of his term of supervised release by consuming a controlled substance, cocaine, on or about May 27, 2024.
- On May 28, 2024, Mr. Rowell admitted to the undersigned officer to having used cocaine the day before, on May 27, 2024.
- 7 **Special Condition # 16:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
- Supporting Evidence:** Mr. Rowell is considered to be in violation of his term of supervised release by consuming a controlled substance, methamphetamine, on or about May 27, 2024.
- On May 28, 2024, Mr. Rowell admitted to the undersigned officer to having used methamphetamine, on May 27, 2024.
- 8 **Special Condition # 17:** You must abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.
- Supporting Evidence:** Mr. Rowell is considered to be in violation of his term of supervised release by having consumed alcohol, on or about May 27, 2024.
- On May 28, 2024, Mr. Rowell admitted to the undersigned officer to having consumed alcohol, on May 27, 2024.

Prob12C

Re: Rowell, Kenneth Richard

May 29, 2024

Page 4

The U.S. Probation Office respectfully recommends the Court issue a **warrant** requiring the defendant to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 29, 2024

s/Elizabeth Lee

Elizabeth Lee
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

5/29/2024

Date